

Dixon Gardner, SBN 213119
dgardner@madisonlawapc.com
MADISON HARBOR, ALC
17702 Mitchell North
Irvine, California 92614
Telephone: 949-756-9050
Facsimile: 949-756-9060

Attorneys for Creditor Veros Credit, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In Re:
LORENA MEJIA,

Debtor.

VEROS CREDIT, LLC, a Nevada Limited
Liability Company,

Plaintiff,

v.

LORENA MEJIA, an individual and the Debtor
herein; and Does 1 – 20;

Defendants.

Case No.: 17-50985 SLJ 7

Chapter 7

Adv. Proc. No.17-05063

Assigned to Hon. Stephen L. Johnson

**NOTICE OF MOTION AND MOTION TO
IMPOSE ENTRY OF JUDGMENT AGAINST
DEFENDANT FOR FAILURE TO APPEAR
AT STATUS CONFERENCE UNDER
FEDERAL BANKRUPTCY RULE OF
PROCEDURE 7016(b) AND LOCAL
BANKRUPTCY RULE 7016-1**

Hearing:

Date: November 28, 2017

Time: 1:30 pm

Location: Courtroom 3099

U.S. Bankruptcy Court

280 South 1st Street

San Jose, CA 95113

Action Filed: July 27, 2017

No Trial Date Set

Initial Status Conf. Set For Sept. 28, 2017

Continued Status Conf. Set For Nov. 15, 2017

TO DEBTOR, CHAPTER 7 TRUSTEE, US TRUSTEE, AND THEIR ATTORNEYS OF RECORD:

Petitioner Veros Credit, LLC ("Plaintiff" or "Movant") will and hereby does move ("Motion")
this Court for an Order to Impose Entry of Judgment Against Defendant Lorena Mejia ("Defendant") for

1 Failure to Appear at Status Conference under Bankruptcy Rule OF Civil Procedure 7016(b) and Local
2 Bankruptcy Rule 7016-1.

3 The Motion is based on its own content, the documents already filed in this Bankruptcy Case, and
4 evidence and oral argument presented at the Hearing.

5 The grounds for this Motion are including but not limited to: The Defendant failed to appear at
6 the initial Status Conference set for September 28, 2017 at 1:30 pm in this Court as mandated by the
7 Court's Scheduling Order. At that hearing, the Court requested that Plaintiff file this Motion to request
8 the Court to enter a judgment against Defendant in this Adversary Proceeding based on her failure to
9 appear at the Status Conference under Bankruptcy Rule OF Civil Procedure 7016(b) and Local
10 Bankruptcy Rule 7016-1. *Coyne Elec. Contr., Inc. v. Bank Leumi USA (In re Coyne Elec. Contrs., Inc.)*
11 (Bankr. S.D.N.Y. Mar. 11, 1999), 231 BR 204 (court has authority to enter judgment for a party's failure
12 to comply with a scheduling order under FRBP 7016); *GM Co. v. Heraud* (Bankr. E.D. Mich. Aug. 20,
13 2009), 410 BR 569; *Carter v. Brooms (In re Brooms)* (B.A.P. 9th Cir. Jan. 18, 2011), 447 BR 258, *aff'd*,
14 (9th Cir. May 23, 2013), 520 Fed Appx 569 (judgment entered against party that willfully disregarded
15 court's orders).

16 Based on the foregoing, Plaintiff requests that Court enter judgment in favor of Plaintiff in the
17 amounts and damages prayed for in the Complaint against Defendant as follows:

- 18 1. General Damages of \$59,593.04 in favor of Plaintiff and that these damages are not
19 dischargeable in Defendant's Bankruptcy Case under 11 U.S.C. Section 523(a)(2)(A) and
20 11 U.S.C. Section 523(a)(6).
- 21 2. For an award of pre-judgment and post-judgment interest as permitted by federal and
22 California law on the judgment for the General Damages of \$59,593.04 requested above
23 and that this award is not dischargeable in Defendant's Bankruptcy Case under 11 U.S.C.
24 Section 523(a)(2)(A) and 11 U.S.C. Section 523(a)(6).
- 25 3. For a hearing to provide evidence to obtain Court approval of the attorney's fees and costs
26 incurred in bringing the underlying Superior Court against Defendant and in this lawsuit
27 against Defendant and that these fees and costs are not dischargeable in Defendant's
28 Bankruptcy Case under 11 U.S.C. Section 523(a)(2)(A) and 11 U.S.C. Section 523(a)(6).

- 1 4. For a hearing to prove up special damages and punitive damages and any judgment by this
2 Court for such damages are not dischargeable in Defendant's Bankruptcy Case under 11
3 U.S.C. Section 523(a)(2)(A) and 11 U.S.C. Section 523(a)(6).
4

5 Respectfully submitted on this 31st day of October, 2017 by:

6 MADISON HARBOR, ALC

7 
8

9 Dixon Gardner,
10 Attorneys for Plaintiff
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dixon L. Gardner, Esq. (SBN 213119)
dgardner@madisonharbor.com
MADISON HAROR, APC
17702 Mitchell North
Irvine, California 92614
Telephone: 949-756-9050
Facsimile: 949-756-9060

Attorneys for Creditor/Plaintiff Veros Credit, LLC

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:

LORENA REYES MEJIA,

Debtor.

VEROS CREDIT, LLC, a Nevada Limited
Liability Company,

Plaintiff,

vs.

LORENA MEJIA, an individual and the Debtor
herein; and Does 1 – 20;

Defendants.

Bankruptcy Case No.: 17-50985-SLJ-7

Chapter: 7

Adversary Proceeding No. 17-05063
R.S. No.: DLG-1

Assigned to Hon. Stephen L. Johnson

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am employed in the County of Orange. I am over the age of 18 years and not a party to the within entitled action. My business address is 17702 Mitchell North, Irvine, CA 92614.

On October 31, 2017, I served the within: Notice of Motion and Motion to Impose Entry of Judgment against Defendant for Failure to Appear at Status Conference under Federal Bankruptcy Rule of Procedure

CERTIFICATE OF SERVICE

-1-

1 7016(b) and Local Bankruptcy Rule 7016-1 in a sealed envelope with postage thereon fully prepaid, in the United
2 States Mail at Irvine, California, to all parties entitled to receive regularly mailed notices, addressed as follows:

3
4 Lorena Mejia Reyes
1298 Palm Street, Apt. C
5 San Jose, CA 95110

6
7 I declare, under penalty of perjury, that the foregoing is true and correct. Executed on October 31, 2017
8 at Irvine, California.

9
10 
Caitlynn Q. Luu
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

-2-